

|  |              |
|--|--------------|
| CERTIFICATE OF MAILING   |              |
| I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: |              |
| MAIL STOP Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  |              |
| on   | 12-2-09      |
| QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  |              |
| By:  | Evelyn Gomez |

|               |   |                             |                       |
|---------------|---|-----------------------------|-----------------------|
| Appl. No.     | : | 10/044,463                  | Confirmation No. 9878 |
| Applicant     | : | Davide R. Grassetti, et al. |                       |
| Filed         | : | January 10, 2002            |                       |
| TC/A.U.       | : | 1617                        |                       |
| Examiner      | : | Shengjun Wang               |                       |
| Docket No.    | : | 107-000110US                |                       |
| Customer No.: | : | 22798                       |                       |

MAIL STOP Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### APPEAL BRIEF AMENDMENT

Appellant has received a Notice of Non-Compliant Appeal Brief of November 16, 2009. Appellants' representative called Patent Appeals Specialist Tyson on November 30, 2009, to particularly identify that the Office desires the separate independent claims 1 and 23 to have subject matter individually identified. Herein, Appellants provide an amended Summary of Claimed Subject Matter more clearly complying with cited regulations.

## SUMMARY OF CLAIMED SUBJECT MATTER

The Notification of November 16, 2009, has required Appellants to provide a more detailed description of support for claims 1 and 23. The subject matter of the identified claims is more concisely and particularly provided below.

Claim 1 is directed to methods of modulating an immune response by identifying an individual in need of immune response modulation and administering effective amounts of thione-forming disulfide (TFD) compounds of certain structure to the individual in need of immune response modulation, wherein the individual in need is other than an individual infected with a retrovirus. Support for claim 1 can be found throughout the specification, e.g., in the Examples section starting at paragraph 129. Specifically, support for identifying an individual in need of immune response modulation and administration of TFDs can be found at paragraphs 33, 43, 108, 111 and in the section entitled "Immunomodulation in Treatment of Diseases and other Ailments" starting at paragraph 113, and in the section entitled "Administration of Thione-Forming Disulfides starting at paragraph 93. Support for the TFD structures of the claims can be found, e.g., at paragraph 67. Support for the selected responses can be found, e.g., at paragraphs 3, 8, 33, 43, 55, 111, 124,

129 and 156. Individuals other than those infected with a retrovirus can be found, e.g., at paragraph 113.

Claim 23 is directed to methods of modulating an immune response by identifying an individual in need of immune response modulation and administering effective amounts of particular thione-forming disulfide (TFD) compounds to the individual in need of immune response modulation. Specifically, support for identifying an individual in need of immune response modulation and administration of TFDs can be found at paragraphs 33, 43, 108, 111 and in the section entitled “Immunomodulation in Treatment of Diseases and other Ailments” starting at paragraph 113, and in the section entitled “Administration of Thione-Forming Disulfides starting at paragraph 93. Support for the particular TFD compounds of the claims can be found, e.g., in the original claim, and at paragraphs 13, and 71 to 79. Support for the selected responses can be found, e.g., at paragraphs 3, 8, 33, 43, 55, 111, 124, 129 and 156.

The appealed claims are set forth in Appendix A.

CONCLUSION

Appellants believe the support for the cited claims is provided herein, as requested by Specialist Tyson. Appellants look forward to receipt of the Examiner's Reply Brief in this matter.

If a telephone conference would expedite prosecution of the above-identified application, the Examiner is invited to phone the undersigned at (510) 769-3510.

QUINE INTELLECTUAL PROPERTY LAW  
GROUP

P.O. BOX 458, Alameda, CA 94501

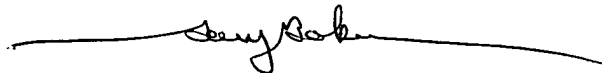
Tel: 510 769-3510

Fax: 510 337-7877

PTO Customer No.: 22798

Deposit Account No.: 50-0893

Respectfully submitted,



Gary Baker

Reg. No: 41,595